

**U.S. Department of Labor
Bureau of International Labor Affairs
Office of Child Labor, Forced Labor, and Human Trafficking**

FREQUENTLY ASKED QUESTIONS:

***Trade and Development Act Report:
U.S. Department of Labor's 2016 Findings on the Worst Forms of Child Labor***

September 2017

1. Why does the Department of Labor prepare this report?

The TDA Report is prepared in accordance with the Trade and Development Act (TDA) of 2000. The TDA added the requirement that a country implement its commitments to eliminate the worst forms of child labor in order for the President to consider designating the country a beneficiary developing country under the Generalized System of Preferences (GSP) program. The TDA also mandates the President to submit to Congress the Secretary of Labor's findings with respect to each "beneficiary country's implementation of its international commitments to eliminate the worst forms of child labor." ILAB carries out this responsibility on behalf of the Secretary.

2. When did the Department of Labor begin issuing reports on the worst forms of child labor?

The Department published the first *Findings on the Worst Forms of Child Labor* report in 2002, which included information on child labor efforts in 2001. This year's report will be the sixteenth edition of the Department's *Findings on the Worst Forms of Child Labor*.

3. What are the worst forms of child labor?

The worst forms of child labor are defined in the Trade and Development Act and ILO Convention 182 as:

- (A) all forms of slavery or practices similar to slavery, such as the sale or trafficking of children, debt bondage and serfdom, or forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
- (B) the use, procuring, or offering of a child for prostitution, for the production of pornography or for pornographic purposes;
- (C) the use, procuring, or offering of a child for illicit activities in particular for the production and trafficking of drugs; and
- (D) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.

4. How is the report prepared?

Information was gathered for this report through desk research, U.S. embassy reporting, and limited field work. Although limited, we also received information from some foreign governments. Desk research consisted of an extensive review of mostly online materials, which included both primary and secondary sources. The sources included academic and independent researchers, media outlets, non-governmental organizations (NGOs), international organizations, foreign governments, and U.S. government agencies. Information was also collected from U.S. government-funded technical assistance and field research projects.

Examples of sources used in this report are the latest editions available of country laws relevant to child labor, national-level child labor surveys, NGO reports on the nature of child labor in various countries, and United Nations reports, including direct requests and observations by the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO CEACR).

The U.S. Department of State and U.S. embassies and consulates abroad provided important information by gathering data from contacts, conducting site visits, and reviewing local media sources. A request for information from the public was published in the *Federal Register*, and a copy of the request was e-mailed to the Washington, DC-based foreign embassies of countries covered in the report. Data were also gathered through site visits to certain countries covered in the report, which included the collection of additional documents as well as key informant interviews.

5. What is the reporting period for this report?

The reporting period for this year's report is January 2016 to December 2016.

6. What criteria did DOL use to determine country assessments for TDA beneficiary countries?

In the TDA Conference Committee Report (2000), the Congress indicated that the following criteria should be considered when determining whether countries are meeting their international commitments to eliminate the worst forms of child labor. These criteria include whether the country has:

- Adequate laws and regulations proscribing the worst forms of child labor;
- Adequate laws and regulations for the implementation and enforcement of such measures;
- Formal institutional mechanisms to investigate and address complaints relating to allegations of the worst forms of child labor;
- A comprehensive policy for the elimination of the worst forms of child labor; and
- Social programs to prevent the engagement and assist in the removal of children in the worst forms of child labor.

The TDA Conference Committee Report also asks that a sixth criterion be considered, which is whether the country is making continual progress toward eliminating the worst forms of child labor. The country assessment tool is intended to inform the sixth criterion rather than reflect a determination of “whether a country has implemented its commitments to eliminate the worst forms of child labor.” That determination is reserved for the President.

DOL operationalized these criteria through a series of questions, which are included in the report’s Appendix.

7. How does DOL assess country efforts to eliminate the worst forms of child labor?

Beginning with the 2009 edition, each TDA report identifies a set of suggested actions for countries to take in order to advance efforts to eliminate the worst forms of child labor. The implementation—or lack of implementation—of these suggested actions establishes a baseline from which to assess a country’s advancement. These actions, in combination with other efforts undertaken by a country, were considered when assessing the level of a country’s advancement during the current reporting period (January 2016 to December 2016) compared with previous years.

Once a country’s efforts were identified, ILAB assessed (1) the significance of efforts—actions that could have a meaningful impact in eliminating the worst forms of child labor—undertaken during the reporting period, and (2) the extent to which these meaningful efforts addressed certain TDA criteria, outlined above, during the reporting period. In addition, ILAB reviewed whether a government established or failed to remedy regressive or significantly detrimental laws, policies, or practices that delayed advancement in the elimination of the worst forms of child labor and whether a government was complicit in the use of forced child labor, including the forcible recruitment of children for armed conflict.

Each country in the TDA report receives an assessment¹ to indicate clearly the Secretary of Labor’s findings on each country’s level of advancement in efforts to eliminate the worst forms of child labor during the reporting period. Countries can receive one of five possible assessments: *Significant Advancement*, *Moderate Advancement*, *Minimal Advancement*, *No Advancement*, or *No Assessment*.²

8. Why are there different types of countries that receive a Minimal Advancement and how do they differ?

There are three types of countries that could receive a *Minimal Advancement* assessment. The first is a country that, compared with the suggested actions reported in 2015, took suggested actions or made other meaningful efforts during the 2016 reporting period in a few relevant areas covering laws and regulations, enforcement, coordination, policies, and social programs to advance the elimination of the worst forms of child labor.

¹ DOL first began assessing countries’ efforts to eliminate the worst forms of child labor in 2011.

² See Appendix 4 in the full Report for additional information on our assessment levels.

The other two types of countries are those that, regardless of meaningful efforts made in relevant areas, minimally advanced as a result of establishing or failing to remedy regressive or significantly detrimental laws, policies, or practices that delayed advancement in the elimination of the worst forms of child labor. Examples of regressive or significantly detrimental laws, policies, or practices include lowering the minimum age for work below international standards; recruiting and/or using children in armed conflict; and continuing to impose administrative barriers to child labor inspections.

9. Why are there different types of countries that receive a No Advancement and how do they differ?

There are also three types of countries that could receive a *No Advancement* assessment. The first is a country that, compared with the suggested actions reported in 2015, took no suggested actions and made no other meaningful efforts in 2016 to advance the elimination of the worst forms of child labor during the reporting period. The other two types of countries are those that, regardless of meaningful efforts made in relevant areas, had a policy or demonstrated a practice of being complicit in the use of forced child labor in more than an isolated incident, which is considered an egregious form of exploitation. Complicity can occur when a government is involved in forced child labor at any level of government, including at the local, regional, or national level. Such involvement is “direct” or proactive government action to compel children under 18 to work.

10. What changes were made to the legal framework section of the country profiles?

The legal framework section contains a table that lists a set of standards that should be established through national legislation in order to fully implement ILO Convention 182. This year, the table indicates where the legal framework met international standards and where it did not, whereas last year the chart indicated the existence of relevant laws. For example, last year the table reported whether a country had established a minimum age for work. This year, the table indicates whether the country’s minimum age for work complies with the international standard. This year’s report also visually separates out the different standards for military recruitment of children, showing where the country’s laws meet international standards for compulsory recruitment by the state military, voluntary recruitment by the state military, and compulsory recruitment by non-state armed groups.

11. How can the TDA report serve as a tool for U.S. policymakers, foreign governments, and the public?

DOL seeks to provide timely, relevant information and analysis on the worst forms of child labor that will inform and raise awareness among public and private stakeholders in the U.S. and in each country covered in the report. By providing analysis, an assessment of advancement, and suggested actions to advance the elimination of the worst forms of child labor, the report provides Congress and Executive Branch agencies with useful information to consider when making labor and trade policy. For foreign governments, aid organizations, and civil society groups, the report both recognizes positive efforts by countries and notes areas in which action is needed, thus offering a basis for discussion, collaboration, and

implementation of targeted efforts to address the most urgent child labor issues facing each country. Finally, where the report demonstrates a need for additional information on specific dimensions of child labor or actions to address it, the report may spur further research and reporting that will enable governments and other stakeholders to better evaluate the impact of their efforts and guide future actions.

12. What is the best way to access the TDA report?

The full TDA report can be accessed via our *Sweat & Toil* mobile app. You can download the free app on the iTunes or Google Play store and access the data behind the app on our website: <http://developer.dol.gov/others/sweat-and-toil>.

The TDA report is available in a hard-copy magazine format, which provides an overall summary of the report, regional findings related to meaningful efforts made and gaps for countries to address, and the assessment levels of each of the 135 countries. To request hard copies, send an e-mail to GlobalKids@dol.gov.

On our website, you can download the full TDA report or navigate to individual country pages, where you can find information on the prevalence and sectoral distribution of the worst forms of child labor in the country; the legal framework on child labor; enforcement of laws related to child labor; coordination of government efforts on child labor; government policies related to child labor; social programs to address child labor; and specific suggestions for government action to address the issue. Our website is available at www.dol.gov/endchildlabor.

In addition, the full TDA report can be accessed via our USB. To request a USB, please send an e-mail to GlobalKids@dol.gov.